

REMARKS/ARGUMENTS

Claims 3, 4, 6, 7, 9, 12, 13 and 15 through 26 remain in this application. Claims 1, 2, 5, 8, 10, 11, 14, 21 and 22 have been canceled. Claims 12, 13, 15 through 19, 24 and 26 have been withdrawn from consideration. Claims 20, 23 and 24 have been amended. It is believed that none of the amendments introduce new matter.

In the outstanding Office Action mailed on September 9, 2010, the examiner continued the requirement for restriction and considered claims 12, 13, 15 through 19, 24 and 26 as being withdrawn from consideration. In addition, claims 23, 25, 3, 4, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Loosveld (EP 0657098) in view of Sjölund et al. (US 6,830,008), claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Loosveld in view of Sjölund et al. and further in view of Wakui et al. (US 5,152,246), and claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Loosveld in view of Sjölund et al. and further in view of Mein (US 5,178,095). Applicants respectfully further traverses the restriction requirement and the rejections and submit that in view of the foregoing amendments and the following remarks, the requirement for restriction should be withdrawn and claims 3, 4, 6, 7, 9, 12, 13 and 15 through 26 should be deemed allowable.

Regarding the restriction requirement, it is clear that inventions of amended claims 23 and 24, the only remaining independent claims, are not independent and distinct, one from the other. In this regard it is pointed out that claim 24 has been amended so as to eliminate the "adapted to" language and so as to recite the functions as positive limitations. Accordingly, claims 23 and 24 should be considered in the same application. In this regard, the method of claim 23 may be conducted only by using the apparatus of claim 24 and the apparatus of claim 24 is useful solely for the purpose of performing the method of claim 23. In view of the

foregoing, applicants submit that the requirement for restriction should be reconsidered and withdrawn.

Claims 23, 25, 3, 4, 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Loosveld in view of Sjölund et al. These references have been cited previously and have been duly considered. In applicants' view, the Examiner's assessment of the relevance of Loosveld, which is the document from which she chooses to start, is highly questionable. For instance applicants disagree strongly with the Examiner's statement that Loosveld discloses use of an analyser "to detect an abnormal milk flow from one teat indicated by a predetermined departure from a predicted relationship between the milk flow rate and time for commencement of milking", as specified in claim 23. In this connection, applicants note that in the Examiner's response to arguments presented in reply to the last previous official action, it is said that "Loosveld clearly discloses connecting the milk cluster to the udders of the animal (Col. 4, lines 17-21), thus the analysis is conducted to detect an abnormal milk flow from **at least one** udder of the animal" (see ¶ 14 of the official action). This suggests to applicants that the Examiner is reading "milk flow from one teat" in claim 23 as encompassing milk flow from one or more teats. To clarify for the benefit of the Examiner, claim 23 has been amended to read "to detect an abnormal milk flow from **a single** teat indicated by a predetermined departure from predicted relationship between the milk flow rate from **all of the teats** and the time from commencement of milking."

According to the Examiner's analysis, the only feature of claim 23 not disclosed in Loosveld is that the detected departure is a departure from a predicted stepped reduction in the milk flow rate, and this is said to be known from Sjölund. Again applicants disagree with the Examiner. Sjölund teaches measuring the milk flow from each of the teat cups separately, and setting threshold levels for the milk flows from the respective teats to end milking. applicants

cannot see how the teaching of Sjölund could be applied to the method disclosed in Loosveld without separate measurement of the milk flow from each udder quarter.

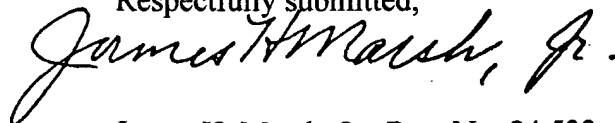
An important advantage of the invention of the present application is that one milk meter can be used rather than four milk meters to measure flow from the respective teat cups. Accordingly, claim 23 has been amended so as to indicate that the milk flows from the respective teats are brought together and the total milk flow is measured in a single meter. Although this feature is known *per se* from Loosveld, neither Loosveld nor Sjölund can be said to disclose use of a single milk meter which measures the total milk flow from all the teats to detect an abnormal milk flow from a single teat.

Since independent claims 23 and 24 are patentable over the disclosures of the cited references, the dependent claims are also patentable with respect thereto.

With the foregoing amendment, the application now includes only 17 claims total and only 2 independent claims. Accordingly, no additional filing fee is required.

In view of the foregoing amendments and remarks it is clear that the restriction requirement is unsupported by the record and should be withdrawn. Moreover, it is respectfully submitted that the claims remaining in this application are allowable and that the application is in condition for allowance. Accordingly, favorable action at an early date will be appreciated. If the examiner has any questions or comments, it is respectfully suggested that the applicants' undersigned attorney be contacted at the telephone number set forth below.

Respectfully submitted,



James H. Marsh, Jr., Reg. No. 24,533
STINSON MORRISON HECKER LLP
1201 Walnut Street, Suite 2900
Kansas City, MO 64106-2150
Telephone: (816) 842-8600